

FROSS ZELNICK LEHRMAN & ZISSU, P.C.  
Barbara A. Solomon (BS 8845)  
Michael Chiappetta (MC 7644)  
866 United Nations Plaza  
New York, NY 10017  
Tel: (212) 813-5900  
Fax: (212) 813-5901  
*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WGBH EDUCATIONAL FOUNDATION,

Plaintiff,

--against --

DONALD ELLIS GALLERY, LTD and  
DONALD ELLIS

Defendants.  
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:  
:  
:  
: Case No. 08 CV 3187 (DAB)  
:  
:  
:

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK )

ss:

COUNTY OF NEW YORK )

MARIO F. ORTIZ, being duly sworn, deposes and says:

1. I am over 18 years of age and am not a party to this action. I reside in New York, New York.

2. On Monday, March 31, 2008, at approximately 4:45 p.m., I arrived at 25 West 54th St. New York, NY 10019, (the "premises") to serve Donald Ellis and Donald Ellis Galleries, Ltd., (collectively "Defendants") true and correct copies of the following:

A. Summons and Complaint with attached Exhibit A-C,

B. Individual Practices of Hon. Deborah A. Batts,

C. USDC/SDNY Instructions for Filing an Electronic Case or Appeal,

D. USDC/SDNY Procedures for Electronic Case Filing,

E. USDC/SDNY Guidelines for Electronic Case Filing,

(the "Documents").

3. The premises are located opposite the Museum of Modern Art, and did not indicate on the outside or in the lobby the name of any of the residents or businesses.

4. Upon my arrival at the premises, I was greeted by the doorman who identified himself as Larry Carames . Mr. Carames informed me that Defendants reside on the 11<sup>th</sup> floor of the premises. Mr. Carames also informed me that Mr. Donald Ellis had left the premises a few minutes before my arrival, and no one was at the premises.

5. I informed Mr. Carames that I had documents for Defendants. Mr. Carames stated that I could leave the documents with him and he would ensure that Defendants receive the documents. Mr. Carames stated that he regularly accepts documents and shipments for the Defendants. I informed Mr. Carames that I would wait in case Mr. Ellis returns. After waiting for approximately 20 minutes, I left copies of the Documents in Mr. Carames care.

6. On this same day, I mailed true and correct copies of the Documents, by enclosing the Documents in post-paid envelopes marked "personal and confidential" and not indicating on the outside thereof that the communication was from an attorney or concerned an action against Defendants, and deposited said envelopes, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to Defendants (Exhibit A) at their last known business address set forth:

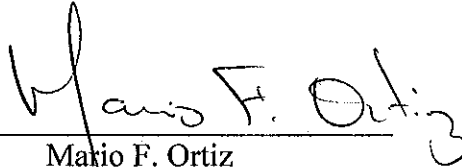
Donald Ellis.  
25 West 54th Street  
New York, NY 10019

and

Donald Ellis Galleries Ltd.,  
25 West 54th Street  
New York, NY 10019

7. On April 1, 2008 I sent by e-mail true and correct copies of the Documents to ellisgal@interlynx.net and dellis@donaldellisgallery.com, known email addresses for Defendants (Exhibit B). On this same day, I mailed true and correct copies of the Documents, by enclosing the Documents in post-paid envelope marked , and deposited said envelope, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to Donald Ellis Galleries Ltd., (Exhibit C) at their last known Canadian business address set forth:

Donald Ellis Galleries Ltd.  
1002 Mineral Springs Road  
RR #33  
Dundas  
Ontario  
Canada L9H 5E3

  
\_\_\_\_\_  
Mario F. Ortiz

Sworn to before me on this  
2<sup>nd</sup> day of April 2008

  
\_\_\_\_\_  
Notary Public



# **Exhibit A**

PERSONAL AND CONFIDENTIAL

Donald Ellis Gallery, Ltd.  
25 West 54<sup>th</sup> St.  
New York, NY 10019

PERSONAL AND CONFIDENTIAL



neopost

049J82031765  
**\$02.50**  
03/31/2008  
Mailed From 10017  
US POSTAGE



PERSONAL AND CONFIDENTIAL

Donald Ellis  
25 West 54<sup>th</sup> St.  
New York, NY 10019

PERSONAL AND CONFIDENTIAL



**Repost**

049J82031765  
**\$02.50**  
03/31/2008  
Mailed From 10017  
US POSTAGE

## **Exhibit B**

## Mario Ortiz

**From:** Mario Ortiz  
**Sent:** Tuesday, April 01, 2008 6:54 PM  
**To:** 'ellisgal@interlynx.net'; 'dellis@donaldellisgallery.com'  
**Cc:** Barbara Solomon; Michael Chiappetta  
**Subject:** WGBH Educational Foundation v. Donald Ellis Gallery 08 CV 3187 (DAB)  
**Attachments:** Individual Practices of Judge Deborah A. Batts.pdf; Summons.pdf; Complaint with Exh. A - C.pdf

Dear Mr. Ellis:

Please find the following three attachments:

1. Summons
2. Complaint with Exhibits A - C
3. Individual Practices of Judge Deborah A. Batts, USDC/SDNY Instructions for Filing an Electronic Case or Appeal, USDC/SDNY Procedures for Electronic Case Filing, and USDC/SDNY Guidelines for Electronic Filing.

These documents were served and mailed to Donald Ellis Gallery, Ltd., and Donald Ellis on Monday, March 31, 2008 at the following address: 25 West 54th St., New York, NY 10019.

Mario Ortiz  
Litigation Paralegal  
Fross Zelnick Lehrman & Zissu, P.C.  
866 United Nations Plaza  
New York, NY 10017  
212-813-5900 (p)  
212-813-5901 (f)

4/2/2008



# **Exhibit C**

FROSS ZEINICK LEHRMAN & ZISSU, P.C.  
866 UNITED NATIONS PLAZA  
NEW YORK, N.Y. 10017

Donald Ellis Gallery Ltd.  
1002 Mineral Springs Road  
RR #3  
Dundas  
Ontario  
Canada L9H 5E3



Nonprofit

049J82031765  
\$03.760  
04/01/2008  
Mailed From 10017  
US POSTAGE

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